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UNCLAS CAIRO 008403

SIPDIS

SENSITIVE

FOR L AND NEA/ELA

E.O. 12958: N/A

TAGS: PHUM PREL KCRM EG

SUBJECT: ASSURANCES FOR FUGITIVE MURDER SUSPECT SAMEH

KHOUZAM

REF: A. STATE 173542

B. CAIRO 6755

C. CAIRO 1672

D. STATE 25810

Sensitive but Unclassified. Please protect accordingly.

¶1. (SBU) Assistant Public Prosecutor Ahmed Zohny told poloff on November 1 that it would be "impossible" for the Egyptian Public Prosecution to provide to the U.S. assurances that explicitly promised that fugitive Sameh Khouzam would not be subject to torture in the event of his return to Egypt. "As a judicial authority, we investigate and prosecute cases of torture; it would be impossible for us to promise that we will not commit a crime; this would be illogical." (Comment: Our GOE judicial/law enforcement contacts have repeatedly told us offline that they consider insulting requests that they promise not to commit a criminal act. End comment.)

¶2. (SBU) Zohny, a senior aide to Public Prosecutor Maher Abdel Wahed (Egypt's equivalent to the U.S. Attorney-General), drew a distinction between the Khouzam case and the case of Nabil Soliman, who had been returned from the U.S. to Egypt in 2002. "Khouzam's case is criminal in nature, while Soliman's was a terrorism case," Zohny stated - the murder charges against Khouzam put his case under the Public Prosecutor's jurisdiction, while Soliman's case was handled by the security services.

¶3. (SBU) Zohny lamented that Public Prosecutor Maher Abdel Wahed's letter of August 4 (ref B), which confirmed that Khouzam was wanted for murder, noted that torture was criminized in Egypt, and affirmed that Khouzam would be accorded the protections and rights stipulated by the law, apparently did not constitute sufficient assurances for the USG.

RICCIARDONE